

**Status of State Commission Proceedings Addressing Qwest-CLEC  
Contracts Filed in Colorado, Idaho, Iowa, Montana, Nebraska,  
North Dakota, Utah, Washington, and Wyoming**

**UPDATED AS OF NOVEMBER 21, 2002**

On August 21 and 22, 2002, Qwest filed with the regulatory authorities in eight of the nine application states copies of previously unfiled contracts with CLECs that contain currently-effective provisions related to Section 251(b) or (c) matters. <sup>1/</sup> These filings were made pursuant to Section 252(e), and the applicable ninety-day statutory period for regulatory approval review expired on November 19 or 20, respectively. Qwest also has posted the contracts on its web site and invited other interested CLECs to request such currently-effective provisions pursuant to applicable “opt-in” policies under Section 252(i).

The following is a status report on these filings as of November 21, 2002, updating the report most recently provided to the Commission on November 19.

**COLORADO**

Qwest filed sixteen amendments to interconnection agreements on August 21 and 22, 2002. On September 18 the Commission ordered the consideration of the contracts to proceed in two phases. In Phase One, the Commission requested comments from the parties by October 4 regarding the definition of an interconnection agreement or amendment that must be filed under Section 252(e). The Staff filed comments on October 4, and Qwest, AT&T, SBC, WorldCom, and the Office of Consumer Counsel filed comments on October 7, after requesting an extension to address the FCC Order on this topic issued October 4. On October 9, Qwest, WorldCom, the Office of Consumer Counsel and Staff filed replies. The Commission stated its intent, after consideration of the comments, to develop and apply its definition of an interconnection agreement to the 16 agreements that had been filed. If an agreement survived this initial phase and qualified as an interconnection agreement or amendment under Section 252, then that agreement would be subject to the second phase of analysis at which time the Commission would decide whether to approve a particular agreement.

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<sup>1/</sup> A filing previously had been made with the Iowa Utilities Board on July 29, 2002.

On October 18, 2002, in Decision No. C02-1183, the Commission established a provisional definition of an interconnection agreement to be used exclusively within the context of the 16 agreements before the Commission and deferred adoption of a permanent definition to a planned rulemaking. The Commission found that all 16 of the amendments filed meet the provisional definition and are therefore subject to the Phase Two process.

In Phase Two, Staff, OCC and AT&T filed comments on October 30 on the issue of whether the contracts identified by the Commission as interconnection agreements in Phase One should be approved. Qwest, AT&T, WorldCom and Staff filed replies on or before November 8, 2002. On November 19, 2002, the Commission issued its order approving two of the amendments, but that order did not approve 14 others for various reasons, including that the documents contained redactions, contained confidentiality or other provisions that the Commission found violated public policy (though those provisions had been waived), and/or cross-referenced other documents. As a result of the November 19 Order, the provisions in the 14 agreements related to ongoing obligations under Section 251(b) or (c) are not in effect in Colorado.

## IDAHO

Qwest filed six contracts on August 21, 2002. On September 19, Qwest filed an application for approval of a new amendment to the McLeodUSA interconnection agreement, which application the IPUC consolidated with the applications for approval of the previous six contracts. The Commission ordered initial comments to be filed by October 25, and reply comments by November 8. Commission Staff and PageData filed comments on October 25. Staff recommended the Commission approve the six contracts filed by Qwest on August 21, 2002 as well as the September 19 amendment to the McLeodUSA agreement. Qwest filed its final reply comments on November 8, 2002. The matter was discussed by the Commission on November 14, 2002, at which time the Commission approved the agreements with the understanding that the confidentiality provisions in those agreements (which had been waived by the parties) were not valid interconnection agreement terms in Idaho. The Commission issued a written order memorializing this decision on November 19, 2002.

## **IOWA**

On July 29, 2002, Qwest filed fourteen contracts for approval as a compliance filing pursuant to a previous order of the Board. On August 6, the Board issued a procedural order providing for a fourteen-day comment period. No comments were filed, and on August 27 the Board issued its order approving all fourteen contracts. This matter is concluded.

## **MONTANA**

Qwest filed seven contracts on August 22, 2002. On September 11 the Commission issued a Notice of Application for Approval of Wireline Interconnection Agreements and Opportunity to Intervene and Comment. The Notice allowed parties to intervene and request a hearing by no later than September 23. No party requested a hearing by that date. No CLEC filed a motion to intervene; only the Montana Consumer Counsel did so and it filed comments on September 23. On October 3, Qwest filed its response to the comments of the Montana Consumer Counsel. In a work session on October 22, 2002, the Commission ordered Qwest to disclose the redacted portions of the agreements and other information. On October 31, 2002, Qwest provided the Commission with the information it requested. At a meeting on November 19 the Commission approved four of the seven agreements and those agreements are in effect in Montana. The Commission did not approve three of the agreements and as a result the provisions of those agreements relating to ongoing obligations pursuant to Section 251(b) or (c) are not in effect in Montana. A written order of the Commission memorializing its action is expected in the future.

## **NEBRASKA**

Qwest filed ten contracts on August 21, 2002. The Commission notice period expired on September 23 and no comments were filed. On September 24 the Commission issued orders approving all ten contracts. This matter is concluded.

## **NORTH DAKOTA**

Qwest filed three contracts on August 21, 2002. On August 28 the Commission issued a Notice of Opportunity to File Comments by October 1. No comments were filed. The Commission approved the agreements in its open meeting October 10, 2002. This matter is concluded.

## UTAH

Qwest filed eleven contracts on August 21, 2002. The ninety-day statutory period for regulatory approval review expired on November 19, 2002, and the agreements are approved interconnection agreements by operation of law.

## WASHINGTON

Qwest filed sixteen contracts on August 22, 2002. On September 25 the Commission allowed eight of the contracts to go into effect through its consent agenda. Seven of the remaining eight contracts were also allowed to go into effect through the consent agenda of October 9. The one remaining contract was on the Commission's consent agenda at the October 23 open meeting and allowed to go into effect. This matter is concluded.

## WYOMING

Qwest filed four contracts on August 21, 2002. The matter was on the agenda for the October 10 open meeting, and Staff, Qwest, AT&T, WorldCom, and Contact provided oral presentations regarding further proceedings. The Commission directed Qwest to provide additional documentation, if any, regarding the four contracts. On October 15, 2002, Qwest filed the supplemental information as requested. Also on October 15, 2002, the Commission issued its Order for Public Notice allowing parties until October 25, 2002 to file comments. WorldCom and AT&T intervened and filed initial comments. Qwest filed reply comments. On November 5, 2002, the Commission orally approved all contracts in their entirety. On November 14, 2002, the Commission issued its written order approving all four contracts. This matter is concluded.